

Court of Appeals, State of Michigan

ORDER

Jeff Nixon v City of Traverse City

Docket No. 260721

LC No. 04-024005 AA

Bill Schuette
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED and this appeal and cross-appeal are DISMISSED as moot. In the appellants' brief the remedy sought by appellants was "to prevent further demolition until the issue of the demolition of the remainder of the brick buildings is submitted to the voters of the City." This Court cannot give that relief since the building is now completely removed. As a general rule moot appeals should be dismissed. See *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359 (1998). Appellants assert the public significance exception to mootness. That exception has three components. See *In Re Closure of Voir Dire*, 204 Mich App 592, 594 (1994). The burden is on the appellants to demonstrate that exception should be applied in this case. Appellants have not met that burden in that this Court is not convinced that the issue is likely to recur since there is no allegation that defendants are contemplating removal of more buildings in the near future. Furthermore, the appellants have not demonstrated that the issue will evade appellate review considering that the issue was already reviewed by this Court in docket number 259124.

The motion to file a reply to answer is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 05 2005

Date

Sandra Schultz Mengel
Chief Clerk